

MONTANA LEGISLATIVE HISTORY

Chapter 577 1993

Bill H 673 S _____

Original bill & history ☒ C

H. Committee on State Admin.

Hearing Date(s) 3/17 ☒ C

3/24 ☒ C

_____ C

_____ C

Date Out _____ C

S. Committee on Finance & Claims

Hearing Date(s) 4-13 ☒ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HB 672 INTRODUCED BY HIBBARD, ET AL.
 REVISE WORKERS' COMPENSATION PAYROLL TAX AND BONDING
 PROVISIONS
 BY REQUEST OF HOUSE SELECT COMMITTEE ON WORKERS'
 COMPENSATION

3/11	INTRODUCED		
3/11	REFERRED TO WORKERS' COMPENSATION SELECT COMMITTEE		
3/11	FISCAL NOTE REQUESTED		
3/11	FIRST READING		
3/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/17	FISCAL NOTE RECEIVED		
3/20	FISCAL NOTE PRINTED		
3/25	2ND READING DO PASS MOTION FAILED	43	57

HB 673 INTRODUCED BY MENAHAN, ET AL.
 REQUIRE PROBATIONERS AND PAROLEES TO PAY A SUPERVISORY FEE

3/11	INTRODUCED		
3/11	REFERRED TO STATE ADMINISTRATION		
3/11	FISCAL NOTE REQUESTED		
3/11	FIRST READING		
3/17	HEARING		
3/17	FISCAL NOTE RECEIVED		
3/19	FISCAL NOTE PRINTED		
3/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/27	2ND READING PASSED	87	5
3/30	3RD READING PASSED	93	6
	TRANSMITTED TO SENATE		
4/01	FIRST READING		
4/01	REFERRED TO FINANCE & CLAIMS		
4/13	HEARING		
4/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/15	2ND READING CONCURRED	48	1
4/15	3RD READING CONCURRED	41	8
	RETURNED TO HOUSE WITH AMENDMENTS		
4/16	2ND READING AMENDMENTS CONCURRED	98	2
4/19	3RD READING AMENDMENTS CONCURRED	95	5
4/21	SIGNED BY SPEAKER		
4/22	SIGNED BY PRESIDENT		
4/23	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 577		
	EFFECTIVE DATE: 07/01/93		

HB 674 INTRODUCED BY BERGSAGEL
 GENERALLY REVISE STATE FACILITY CONSTRUCTION LAWS
 BY REQUEST OF JOINT SUBCOMMITTEE ON LONG-RANGE PLANNING

3/11	INTRODUCED		
3/11	REFERRED TO APPROPRIATIONS		
3/11	FIRST READING		
3/15	HEARING		
3/17	COMMITTEE REPORT—BILL PASSED		
3/23	2ND READING PASSED	88	10
3/24	3RD READING PASSED	78	22
	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO FINANCE & CLAIMS		

1 *House* BILL NO. *673*
 2 INTRODUCED BY *Moran*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT
 5 PROBATIONERS AND PAROLEES PAY A SUPERVISORY FEE; STATUTORILY
 6 APPROPRIATING THE MONEY COLLECTED FROM THE FEE; PROVIDING
 7 THAT THE MONEY BE USED FOR EQUIPMENT AND TRAINING FOR
 8 PROBATION AND PAROLE OFFICERS; AMENDING SECTION 17-7-502,
 9 MCA; AND PROVIDING AN EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 17-7-502, MCA, is amended to read:

13 "17-7-502. Statutory appropriations -- definition --
 14 requisites for validity. (1) A statutory appropriation is an
 15 appropriation made by permanent law that authorizes spending
 16 by a state agency without the need for a biennial
 17 legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be
 19 effective, a statutory appropriation must comply with both
 20 of the following provisions:

21 (a) The law containing the statutory authority must be
 22 listed in subsection (3).

23 (b) The law or portion of the law making a statutory
 24 appropriation must specifically state that a statutory
 25 appropriation is made as provided in this section.

1 (3) The following laws are the only laws containing
 2 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 3 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 4 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
 5 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
 6 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
 7 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 8 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 9 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 10 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 11 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
 12 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 13 39-71-2504; [section 3]; 44-12-206; 44-13-102; 53-6-150;
 14 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 15 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 16 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 17 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

18 (4) There is a statutory appropriation to pay the
 19 principal, interest, premiums, and costs of issuing, paying,
 20 and securing all bonds, notes, or other obligations, as due,
 21 that have been authorized and issued pursuant to the laws of
 22 Montana. Agencies that have entered into agreements
 23 authorized by the laws of Montana to pay the state
 24 treasurer, for deposit in accordance with 17-2-101 through
 25 17-2-107, as determined by the state treasurer, an amount

1 sufficient to pay the principal and interest as due on the
 2 bonds or notes have statutory appropriation authority for
 3 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 4 567, L. 1991, the inclusion of 19-6-709 terminates upon
 5 death of last recipient eligible for supplemental benefit;
 6 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 7 22-3-811 terminates June 30, 1993.)"

8 NEW SECTION. Section 2. Supervisory fees. (1) (a)
 9 Except as provided in subsection (1)(b), a probationer or
 10 parolee shall pay a supervisory fee of \$25 a month. The fee
 11 must be collected by the clerk of the district court with
 12 jurisdiction during the probationer's or parolee's period of
 13 supervision under this part.

14 (b) The court or the board may reduce or waive the fee
 15 or suspend the monthly payment of the fee if it determines
 16 that the payment would cause the probationer or parolee a
 17 significant financial hardship.

18 (2) District court clerks shall deposit the fees
 19 collected under subsection (1) into the state special
 20 revenue fund.

21 NEW SECTION. Section 3. Statutory appropriation. All
 22 fees collected and deposited under the provisions of
 23 [section 2] are statutorily appropriated, as provided in
 24 17-7-502, to the department and must be used to support
 25 equipment purchases and training for probation and parole

1 officers.

2 NEW SECTION. Section 4. Codification instruction.
 3 [Sections 2 and 3] are intended to be codified as an
 4 integral part of Title 46, chapter 23, part 10, and the
 5 provisions of Title 46, chapter 23, part 10, apply to
 6 [sections 2 and 3].

7 NEW SECTION. Section 5. Effective date. [This act] is
 8 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0673, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring that probationers and parolees pay a supervisory fee; statutorily appropriating the money collected from the fee; and providing that the money be used for equipment and training for probation and parole officers.

ASSUMPTIONS:

1. The average monthly probation and parole caseload will be 5,140 for FY94 and 5,450 for FY95.
2. It is estimated that the fee will be waived by the court or the board in 30% of the cases.
3. No collection fees are withheld by the clerk of the district court.

FISCAL IMPACT:**Revenue:**

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
P&P Supervisory Fee (02)	0	1,079,400	1,079,400	0	1,144,500	1,144,500

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This legislation may impact county clerk of courts work load and this impact cannot be measured by the state Judicial Branch.

TECHNICAL NOTES:

Section 2(2) must be amended to establish a supervisory fee account in the state special revenue fund for deposit of the fees collected.


 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 3-19-93
 WILLIAM MENAHAN, PRIMARY SPONSOR DATE

Fiscal Note for HB0673, as introduced

HB 673

COMMITTEE--HOUSE STATE ADMINISTRATION

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

HB0634	ELLIOTT, JIM	EXEC BRANCH PILOT PROJECT TO REVIEW MANAGEMENT/ORGANIZATIONAL STRUCTURE	2/16	2/18	2/18	PASS AS AMENDED	2/19	VOTE: 12-4	2/19
HB0650	STRIZICH, BILL	INVESTIGATORS UNDER PERS TO BECOME MEMBERS OF SHERIFFS' RETIREMENT SYSTEM	2/19			PASS AS AMENDED	2/19	VOTE: 16-0	2/19
HB0673	MENAHAN, RED	REQUIRING PROBATIONERS AND PAROLEES TO PAY A SUPERVISORY FEE	3/11	3/17		PASS AS AMENDED	3/24	VOTE: 14-2	3/25
HJ0005	MERCER, JOHN	REAPPORTIONMENT RECOMMENDATIONS	1/21	1/26	1/27	DO PASS	1/28	VOTE: 9-7	1/28
HJ0006	PAVLOVICH, BOB	RESOLUTION URGING NURSING HOME FACILITIES AT FORT HARRISON	1/22	2/02		DO PASS	2/02	VOTE: 16-0	2/03
HJ0009	FAGG, RUSSELL	RESOLUTION URGING FEDERAL BALANCED BUDGET OR CONSTITUTIONAL CONVENTION	1/28	2/12		TABLED ON	02/18	VOTE: 16-0	
HJ0012	WALLIN, NORM	JOINT RESOLUTIONS SUPPORTING COMMONWEALTH STATUS FOR GUAM	2/04	2/08		DO PASS	2/08	VOTE: 16-0	2/09
HJ0013	BARNHART, BEVERLY	JOINT RESOLUTION REQUESTING STUDY OF CAMPAIGN MISREPRESENTATIONS	2/08	2/15		DO PASS	2/16	VOTE: 13-3	2/17
HJ0017	SMITH, LIZ	STUDY RESOLUTION ON RETIREMENT ISSUES AFFECTING PUBLIC SAFETY PROFESSIONS	2/12	2/15		DO PASS	2/16	VOTE: 11-5	2/17
HJ0023	GERVAIS, FLOYD	RESOLUTION URGING GLACIER PARK INC. & PARK SERVICE TO SUPPORT LOCAL ECONOMY	2/19	2/19		DO PASS	2/19	VOTE: 16-0	2/19
HJ0031	WISEMAN, WILLIAM	STUDY RESOLUTION ON EXECUTIVE REORGANIZATION AND AGENCY CONSOLIDATION	4/13	4/14		DO PASS	4/14	VOTE: 8-7	4/14
SB0002	FRITZ, HARRY	ESTABLISH MONTANA HISTORICAL SOCIETY ACQUISITIONS TRUST	1/09	1/14		CONCUR	1/14	VOTE: 16-0	1/15

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 17, 1993, at
8:35 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 222; HB 673
Executive Action: SB 186; SB 213; SB 276

EXECUTIVE ACTION ON SB 186

Discussion:

REP. SPRING asserted the legislature passed too many laws which
do not accomplish anything.

HEARING ON HB 673Opening Statement by Sponsor:

REP. "RED" MENAHAN, House District 67, Anaconda, introduced HB 673 which requires that probationers and parolees pay a supervisory fee and provides that revenue from the fee be used for equipment and training for probation and parole officers. He stated the bill imposes a \$25 monthly fee on probationers and parolees, and the fee would be statutorily appropriated to the agency. He said the bill is an attempt to make criminals pay part of the costs of the probation and parole system, and gives the court the discretion to waive, reduce, or suspend the fee. He contended the number of parolees would increase because of the cap on inmates in the prison system, and the fee would help pay for the parole system. He reported probation and parole officers had requested training money in past sessions, but funds had been cut in the special session.

Proponents' Testimony:

Kevin McRae, Montana Federation of State Employees, addressed both the need for and validity of the supervision fee. He explained probation and parole officers have powers of arrest and search and seizure, and the authority to carry firearms. He said the training budget for the officers has been inadequate, and they have received no specialized training in these areas. He said the needs would become even more pressing if the legislature agrees to reduce the prison population. He reported officers had individual caseloads of 85 felons with a statewide caseload of 4,000 clients. He maintained the fee had validity because it asked people benefitting from the program to help pay for it. He reported other states, including Florida, Alabama, Oklahoma, Colorado, Texas, Michigan, New Mexico, and Idaho, have a similar fee. He said when Montana received a parolee from a state with the fee, Montana must collect the fee for the other state. He illustrated how dependent some states are on the fee revenue by describing a situation in which Texas extradited a parolee from Montana for failure to pay the fee. He said the bill would provide urgently needed revenue for officer training without tapping the general fund. He asked for passage of HB 673.

Monty Carrillo, probation and parole officer, Helena district, stated the revenues were needed for officer training and to upgrade equipment. He reported in the Helena district, with 931 parolees, \$23,075 per month or \$276,900 per year would be generated by the fee.

Mike Ferriter, Community Corrections Bureau Chief, Department of Corrections and Human Services, stated he supported the bill only if the fee revenue was supplemental to the general fund appropriation. He said the bill would create significant revenue and would make clients more responsible and accountable for their actions. He reported that Montana's 47 probation and parole

officers currently supervise 4,632 clients. He said the supervision fee would generate \$903,000 annually, based on a 65-percent collection rate. Mr. Ferriter said currently \$7,000 had been allocated for training and \$23,650 for equipment. He said the new revenue would allow officers to receive training mandated by legislation and postponed because of budget cuts as well as training recommended by the American Corrections Association. He said funds would be used to upgrade a dilapidated vehicle pool, computerize probation and parole records, provide hand-held radios and/or cellular phones, and provide additional electronic monitoring equipment. He urged support of HB 673 as an enhancement to an overworked department.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. DAVIS asked Mr. Ferriter to confirm the estimated revenue would be \$903,000. Mr. Ferriter explained he had calculated that at a 65-percent collection rate, the department would collect \$903,000. REP. DAVIS asked Mr. Ferriter to review the expenditures he had mentioned. Mr. Ferriter explained that last year's allocation was approximately \$7,000 for training and \$23,000 for equipment. He said the supervision fee revenue of \$903,000 would be used to buy new vehicles, electronic monitoring equipment, computerized data systems, etc. REP. DAVIS asked Mr. Ferriter whether he could develop a fiscal note accounting for the use of the fee revenue. Mr. Ferriter agreed he could.

REP. SQUIRES asked Mr. Ferriter whether the parolees or probationers would have employment. Mr. Ferriter responded one of the goals of probation/parole officers was to help the client establish employment. He reported about 85 percent of probationers are already in the community and some have employment.

REP. SIMPKINS referred to line 14, page 3, which provides the court or board's discretion to waive or reduce the fee, and asked REP. SQUIRES whether the section satisfied her concern. REP. SQUIRES asked whether people who cannot pay were sent back to prison. Mr. Ferriter clarified SEN. WATERMAN had introduced a bill to increase fees on people in pre-release centers. He stated HB 673 did allow for waiver of the fee, and he assumed only a 65-percent collection rate. He said the fee would be a condition of probation or parole, and refusal to pay the fee would be a violation of parole for which individuals could be returned to prison.

REP. REHBEIN asked Mr. Ferriter to describe the current training requirements for parole/probation officers. Mr. Ferriter responded that officers are required to complete 40 hours of orientation training when hired and that 16 hours of annual

training are required by statute. He said he had checked training records and found that officers had completed an average of 32 hours of training last year. He said legislation last session mandated 80 hours of training at the Montana Law Enforcement Academy. He said the training had been planned and then cancelled because of budget reductions.

REP. REHBEIN asked whether officers used their personal vehicles for job-related travel. Mr. Ferriter replied personal vehicles were used on a limited basis, if state vehicles were not available. He said one goal was to provide officers with vehicles. REP. REHBEIN asked Mr. Ferriter whether officers had access to the state motor pool. Mr. Ferriter said they had limited access to the motor pool. He said Helena officers had access, but officers in 19 offices around the state only had five leased vehicles.

REP. GERVAIS asked Mr. Ferriter whether the \$25 fee would be in addition to fines. Mr. Ferriter confirmed the fee would be in addition to fines or restitution required by the court. REP. GERVAIS asked Mr. Ferriter whether the bill raised the question of double jeopardy. Mr. Ferriter replied he did not think double jeopardy was an issue. He described the fee as a contribution for involvement in the justice system. He viewed the proposal as a way of making individuals more responsible for their actions. REP. GERVAIS commented the bill was a good idea but expressed the fear that if it worked well, then the legislature would want the money in the general fund. Mr. Ferriter said he shared the same concern.

REP. MOLNAR asked Mr. Ferriter how the \$25 fee compared to fees in other states. Mr. Ferriter responded the fee was in the mid-range. REP. MOLNAR asked Mr. Ferriter whether other states had determined the cost of collecting the fee. Mr. Ferriter replied he did not have that information.

REP. ROSE suggested collecting the fee would not be a problem because the parole and probation officers would know where clients were. Mr. Ferriter agreed.

Closing by Sponsor:

REP. MENAHAN said he was not attempting to create punitive legislation for people who were trying to stay out of prison. He said better community-based programs might be possible through the bill.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

State Administration

COMMITTEE

BILL NO. HB 673

DATE 3/17/93

SPONSOR(S) Rep. Menahan

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kevin McRae, 1120 Logan, Helena	Montana Federation of State Employees	X	
Terry Minow	"	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 24, 1993, at
9:07 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chair (R)
Rep. Wilbur Spring, Vice Chair (R)
Rep. Ervin Davis, Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Bob Gervais

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:
Executive Action: HB 673 (amended); SB 130 (amended)

EXECUTIVE ACTION ON HB 673

Motion: REP. WALLIN MOVED HB 673 DO PASS.

Discussion:

REP. REHBEIN objected to the agency using revenue from the bill's
proposed probationer/parolee fee for new vehicles and asked

whether the agency could just reimburse employees for use of their personal cars.

REP. SIMPKINS asked REP. REHBEIN whether he was recommending the committee micromanage the agency. REP. DAVIS recalled testimony had indicated the agency was leasing vehicles. REP. GALVIN claimed it was cheaper to have state vehicles. REP. SIMPKINS said the key issue of the bill was that the agency was establishing a fee in order to set up an agency spending account.

REP. DAVIS explained to committee members the procedure for home arrest in which arrested individuals must pay a fee for home supervision. He said HB 673 was based on the same principle.

REP. SIMPKINS noted the fee for the probationer or parolee would be \$25 per month although the fee could be waived by the court.

REP. GALVIN referred to the fiscal note which suggested the bill might have an impact on county clerks of court and asked whether the fund would be used for this purpose. REP. MOLNAR stated he had amendments to address the issue. He said one amendment would allow the deduction of administrative costs for county clerks of court from the \$25 fee; the second amendment required the probationer or parolee to pay the cost of collection for unpaid fees. EXHIBIT 1

REP. SQUIRES said probationers or parolees are required to report to a parole officer who would know whether or not the fee was delinquent and any reasons for nonpayment. She said she objected to the amendments because parole officers already had the threat of prison to hold over probationers and parolees if they were delinquent in paying fees.

REP. SIMPKINS suggested the first amendment needed to read "may require to pay" rather than "shall also pay" in order to be consistent with the bill's language. REP. MOLNAR responded the amendment addressed probationers or parolees who simply refuse to pay the fee. He asserted the courts would not send these individuals to prison for failing to pay the fee.

REP. STOVALL asked whether failure to pay the fee would be considered a violation of parole. REP. SIMPKINS confirmed it would be a parole violation but noted further action would be dependent on the courts. REP. SQUIRES suggested the parole officer would have the authority to deal with delinquent parolees and would know their financial circumstances. She maintained parole/probation officers would need flexibility in managing their clients. REP. STOVALL agreed with REP. SQUIRES that parole officers control everything parolees do and asserted the amendment is not necessary. He asked how parameters or rules for parole officers were set.

REP. SIMPKINS said the bill sets up a fee to be paid and then leaves the enforcement to parole officers. He maintained in

order for delinquent payment to be a parole violation, the courts would need to act. He said the amendment would allow the court to include the fee as a parole violation. **REP. SQUIRES** asked whether the committee had the right to set parole standards for an individual. She suggested the Board of Pardons had the responsibility for defining the stipulations of parole for the individual; and parole officers had the responsibility of working out the individual programs for meeting parole stipulations. **REP. SQUIRES** contended the committee could provide guidelines in the bill but should not be setting specific parole stipulations.

REP. SCHWINDEN maintained parole officers, by the nature of their job, had a great deal of latitude in working out the terms of parolees' sentence. He said the nature of parolees and their crimes would determine the conditions of their parole and suggested the amendment was too specific.

REP. WALLIN suggested the bill needed to differentiate between probationers and parolees. He reported the opinion of one juvenile probation officer that young people learned best by being sent to prison for a while. **REP. WALLIN** claimed most juvenile probationers do not have any income, and he could not see how the bill would be applied to them.

REP. MASON suggested the amendments be segregated because they address very different issues.

Motion/Vote: **REP. MOLNAR** moved to amend HB 673 to insert on page 3, line 13, "If a probationer or parolee fails to pay the fee as required, the probationer or parolee shall also pay to the court the cost of collection actions for the outstanding amount." Motion failed 3 to 13 with **REPS. MOLNAR, REHBEIN, and SIMPKINS** voting yes.

Motion: **REP. MOLNAR** moved to amend HB 673 to allow the deduction from the total fees collected the administrative cost of collecting and accounting for the fees.

Discussion:

REP. SQUIRES asked where parolee/probationer fees would go. **Ms. Heffelfinger** explained the district court clerks would collect fees and, if the amendment passed, deduct administrative costs; clerks would then forward the remainder to a special revenue account. Funds from this account would be statutorily appropriated to the Department of Corrections and Human Services for the sole purpose of providing training and equipment to probation and parole officers. **REP. SQUIRES** asked how administrative costs would be determined. **Ms. Heffelfinger** responded the determination would be made by district court clerks. **REP. SQUIRES** asked whether HB 673 specified \$25, as opposed to \$25 less administrative costs, would be placed in the special revenue fund. **Ms. Heffelfinger** said no, the bill

stipulated that the supervisory fee was \$25 and statutorily appropriated the monies placed in the revenue fund, but did not stipulate that the \$25 fee went directly into the revenue fund.

REP. DAVIS reviewed testimony that the estimated revenue from this fee would be \$903,000. He asserted the agency could afford to pay for the administration of fee collection.

Vote: HB 673 BE AMENDED. Motion carried 15 to 1 with REP. SQUIRES voting no and REP. GERVAIS voting by proxy. EXHIBIT 8

Discussion:

REP. SIMPKINS asked the committee whether they would want to have a sunset provision on the bill. The consensus of the committee was a sunset provision was not necessary.

Motion: REP. RICE MOVED HB 673 DO PASS AS AMENDED.

Discussion:

REP. RICE said the committee had heard testimony describing the need for equipment and training for probation and parole officers; she said no alternative source of funding was apparent to meet this need. She said she was intrigued with the concept of having probationers and parolees pay for their supervision and suggested the bill could make them more responsible for their actions and more amenable to the terms of parole/probation. She expressed her support for the bill.

REP. SIMPKINS interrupted the discussion to announce a technical amendment was needed for the bill. Ms. Heffelfinger referred to the fiscal note which stated the bill needed to be amended to establish a supervisory fee account in the state special revenue fund for deposit of the fees collected.

Motion/Vote: REP. SIMPKINS moved to amend HB 673 to insert on page 3, line 18, "(a) there is an account in the state special revenue fund for the fees collected under the provision of the section. (b)". Motion carried unanimously with REP. GERVAIS voting by proxy. EXHIBIT 8

REP. RICE withdrew her earlier motion to do pass HB 673 as amended.

REP. MASON contended the bill was worthwhile because its effect could be to help parolees and probationers become more productive citizens.

REP. STOVALL declared the bill very important and timely because the legislature was capping the prison population and parole and probation officers' caseloads would likely increase.

Motion/Vote: REP. RICE MOVED HB 673 DO PASS AS AMENDED. Motion carried 14 to 2 with REPS. REHBEIN and SQUIRES voting no and REP. GERVAIS voting by proxy.

EXECUTIVE ACTION ON SB 130

Motion: REP. MOLNAR MOVED TO RECONSIDER ACTION ON SB 130 AND TAKE FROM THE TABLE.

Discussion:

REP. MOLNAR explained he wanted to amend the bill to allow the governor to choose someone other than the list of nominees forwarded from the legislative leadership for the position of Commissioner of Political Practices.

REP. REHBEIN asked REP. MOLNAR how the public would perceive the governor's selection if it were not from the nominee list. REP. MOLNAR responded the perception would be that the governor did not like the nominees on the list for some reason. REP. REHBEIN asked whether REP. MOLNAR believed the governor's choices were currently too limited and the legislature needed to help broaden the range of choices. REP. MOLNAR responded the Commissioner of Political Practices differed from other administrative appointments because the function of the office was to oversee political practices. He claimed there was public interest in having a nonpartisan office, so far as possible. He reported Ed Argenbright, the current commissioner, had discussed with him difficulties in the position due to the perception of partisanship in decision-making. REP. MOLNAR said the process specified in SB 130 would broaden the choice of candidates. He reported the bill's sponsor, SEN. MCCLERNAN, had agreed to the proposed amendment.

REP. SCHWINDEN asked what purpose the nominating process would have if the governor is allowed to choose whomever he/she wants. REP. SIMPKINS said if the governor's choice was not on the list of nominees, the governor would have to justify the choice to the public. REP. SCHWINDEN submitted the governor must already respond to public scrutiny on all appointees.

REP. SPRING stated with REP. MOLNAR'S amendment the bill was no different than current law and therefore the bill was not necessary. He described his view of the bill, quoting REP. GILBERT, as "the bill is a pig and you cannot make a pig pretty".

REP. BARNHART stated the bill should be taken from the table.

REP. WALLIN agreed with REP. BARNHART because amendments to the bill in previous executive action had inserted qualifications for the commissioner. He asserted specifying qualifications was an important function of the amended bill.

HOUSE STANDING COMMITTEE REPORT

March 24, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 673 (first reading copy -- white) do pass as amended .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Page 3, line 8.

Following: "fees"

Insert: " -- account established"

2. Page 3, line 18.

Following: "(2)"

Insert: "(a) There is an account in the state special revenue fund for the fees collected under the provisions of this section.

(b) "

3. Page 3, lines 18 and 19.

Following: "shall" on line 18

Insert: "deduct from the total fees collected pursuant to subsection (1) the administrative cost of collecting and accounting for the fees and shall"

Strike: "fees" on line 18 through "(1)" on line 19

Insert: "remaining amount"

4. Page 3, line 20.

Strike: "fund"

Insert: "account established in subsection (2) (a)"

-END-

Committee Vote:
Yes 14, No 0.

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - - - - - REREFERRED - - - - - DATE READ

HB0646	PETERSON, MARY LOU	REVISE ALLOWABLE SALE PRICE OF MCA	3/18	3/23	CONCUR	3/23	VOTE:	3/24
HB0652	LARSON, DON	ALLOCATE AMOUNT OF INCOME FROM STATE LAND TIMBER SALES TO DSL TIMBER PROGRAM	3/26	4/03	CONCUR AS AMENDED	4/7	VOTE:	4/07
HB0654	DEBRUYCKER, ROGER	ELIMINATE YOUTH FOREST CAMP WORK PROGRAM	3/26	3/31	CONCUR	4/6	VOTE:	4/06
HB0655	SIMON, BRUCE	APPROPRIATE \$200,000 OF DINGELL-JOHNSON MONEY FOR RIVER RESTORATION PROGRAM	3/26	4/03	CONCUR	4/3	VOTE:	4/05
HB0657	FISHER, MARJORIE	ALLOW ATTORNEY GENERAL TO CHARGE FEE TO ISSUE OPINIONS TO CERTAIN OFFICIALS	3/26	4/05	CONCUR	4/6	VOTE:	4/06
HB0660	PETERSON, MARY LOU	COMMUNITY SERVICE ACT	3/26	3/31	CONCUR AS AMENDED	4/3	VOTE:	4/05
HB0663	HARPER, HAL	APPROPRIATION FOR TREASURE STATE ENDOWMENT PROJECTS	3/26	3/31	CONCUR AS AMENDED	3/31	VOTE:	4/01
HB0666	WANZENRIED, DAVID	REVISE STATUTORY APPROPRIATION FOR THE PETROLEUM TANK RELEASE CLEANUP FUND	4/02	4/13	CONCUR	4/13	VOTE:	4/14
HB0668	BERGSAGEL, ERNEST	REVISE APPLICATION PROCEDURE FOR CULTURAL GRANT FOR LOCAL FACILITY	3/26	4/02	CONCUR	4/3	VOTE:	4/05
HB0673	MENAHAN, RED	REQUIRING PROBATIONERS AND PAROLEES TO PAY A SUPERVISORY FEE	4/01	4/13	CONCUR AS AMENDED	4/13	VOTE:	4/14
HB0674	BERGSAGEL, ERNEST	REVISE STATE FACILITY CONSTRUCTION LAWS	3/26	4/02	CONCUR	4/3	VOTE:	4/05
HB0677	JOHNSON, ROYAL	TRANSFER TRAFFIC EDUCATION FUNDS TO VOCATIONAL AND GIFTED AND TALENTED	3/26	4/05	TABLED ON	04/06	VOTE:	

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, Chair, on April 13, 1993, at 10:00 a.m., Room 108.

ROLL CALL

Members Present:

Sen. Judy Jacobson, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Harry Fritz (D)
Sen. Ethel Harding (R)
Sen. Bob Hockett (D)
Sen. Greg Jergeson (D)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)
Sen. Chuck Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Cecil Weeding (D)

Members Excused: None.

Members Absent: None.

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 689, HJ 25, HB 666, HB 673, HB 691,
HB 690, HJ 18

Executive Action: None.

HEARING ON HOUSE BILL 689

Opening Statement by Sponsor:

for cleanup.

Ms. Riley said they oversee the cleanup requirements to make sure the owners have met the requirements of the DHES.

When questioned by Senator Keating as to what the seven people at the Board do, Ms. Riley said they review the cost of claim submittals. They review anticipated costs of cleanup and make sure that the claims get paid. They review total costs as they are submitted to make sure the costs are necessary and reasonable.

Senator Keating asked Ms. Riley why additional people are needed.

Ms. Riley said at the last Board meeting, 75 claims were processed which was \$325,000. There were 76 claims that did not get processed because of lack of staff.

Closing by Sponsor:

Rep. Wanzenried closed, saying legislative oversight is needed to determine staffing and funding levels.

HEARING ON HOUSE BILL 673

Opening Statement by Sponsor:

Rep. Menahan, House District 67, sponsor, said HB 673 would require probationers and parolees to pay a supervisory fee and that the money be used for equipment and training for the probational and parole officers.

Rep. Menahan said he would like HB 673 amended on page 3, line 11, by striking "\$25 a month", and inserting "\$50 per year".

Proponents' Testimony:

Terry Minow, representing Montana Federation of State Employees, stated their support of HB 673 with the amendment proposed by Rep. Menahan. She noted that HB 673 would provide a better level of resources than the current system of providing training and equipment. She concluded this would provide a source of revenue so that those that are able to pay part of the cost of rehabilitation will participate in funding a high quality system of supervision and rehabilitation.

Mike Ferriter, Community Corrections Bureau Chief, stated his support of HB 673 only if the supervision fees are an additional source of income for probation and parole field staff. He would have concerns if the fees would supplant existing general fund allocations. HB 673 would provide a great deal of revenue and

support the mission of the Department of Corrections by making clientele more responsible and accountable for their actions.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Lynch questioned where the \$50 figure was derived from and why it should be statutorily appropriated instead of going through the legislative process.

Rep. Menahan said as was mentioned by Mr. Ferriter, we do not want this to supplant general fund money. He said 33 new vehicles are needed because of high mileage on existing vehicles. This would cover equipment like hand-held radios, protective vests and other needed equipment, and they want it directed to those officers. He added the \$50 figure was arrived at by the parole officers. He would be agreeable to \$10 per month if that would be deemed fair. He added some compensation would be given back to the treasurer's office for that fee.

Senator Christiaens questioned if money for vehicle purchases was normally derived from general fund money.

Mr. Ferriter said they normally go through the general fund, but added they have not had a replacement vehicle for six years. The only way vehicles are added to probation and parole is that when they are able to hire new positions created by the legislature, a vehicle is included.

When questioned by Senator Christiaens if the Department of Corrections asked for vehicles this session, Mr. Ferriter said they asked for vehicles to complement any new hired positions.

Senator Christiaens asked Mr. Ferriter how successful the field staff is in collecting restitution.

Mr. Ferriter said it is supported by the probation and parole officers union. He added they are very successful in collecting restitution. On a monthly basis, they collect in the neighborhood of \$50,000 statewide.

Closing by Sponsor:

Rep. Menahan closed. He said community based people should be well equipped to do their jobs.

HEARING ON HOUSE BILL 691

Opening Statement by Sponsor:

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, Chair, on April 13, 1993, at 4:30 p.m., Room 108.

ROLL CALL

Members Present:

Sen. Judy Jacobson, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Harry Fritz (D)
Sen. Ethel Harding (R)
Sen. Bob Hockett (D)
Sen. Greg Jergeson (D)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)
Sen. Chuck Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)

Members Excused: Senator Weeding

Members Absent: None.

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None
Executive Action: HB 145, HB 666, HB 673, HB 690, HB 691,
HJR 18, HJR 25, HB 689

EXECUTIVE ACTION ON HOUSE BILL 666

Discussion: Terry Cohea said regarding an amendment from the Petroleum Tank Release Compensation Board (Exhibit 2), Ms. Riley

Vote: Senator Devlin's motion that HB 666 BE CONCURRED IN CARRIED with Senators Beck, Tveit, Bianchi, Forrester, Harding and Hockett opposed.

EXECUTIVE ACTION ON HOUSE BILL 673

Motion: Senator Lynch moved to amend HB 673 (Exhibit 3).

Discussion: Senator Hockett questioned the amount of money it would cost to collect the fees.

Senator Lynch said the amendment would reduce the supervisory fee to \$10 per month. If they did not meet monthly, they could collect quarterly, but it still would be equivalent to \$10 per month.

Senator Christiaens felt more work is being added to the probation and parole office by doing it that way. He felt it should be collected at one time.

When questioned regarding the collection, Rick Day said he is agreeable to leaving the amount of money to the committee's discretion. He felt if fees are going to be raised, it would be better to do it yearly. That would reduce the paperwork load. He concluded the burden of collecting is on the clerk of court rather than on probation/parole officers.

Motion: Senator Lynch moved to further amend HB 673 to strike \$25 a month and insert \$120 a year, prorated at \$10 a month for the number of months under supervision.

Vote: Senator Lynch's amendment motion (Exhibit 3) and the amendment to page 3, line 11, inserting \$120 a year, prorated at \$10 a month CARRIED with Senators Christiaens and Waterman opposed.

Motion/Vote: Senator Lynch moved that HOUSE BILL 673 AS AMENDED BE CONCURRED IN. Motion CARRIED with Senator Fritz opposed.

EXECUTIVE ACTION ON HOUSE BILL 690

Motion: Senator Lynch moved that HOUSE BILL 690 BE TABLED.

Discussion: Senator Lynch said he is a great supporter of the School for the Deaf and Blind, but felt if they did not get their appropriations in the normal process, they should not go this route.

Senator Bianchi said this was general fund money and was taken out in the education subcommittee. The subcommittee directed the School to start charging for their fees. It was funded with general fund money, and the School begged the subcommittee to put

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 673 (third reading copy -- blue), respectfully report that House Bill No. 673 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, line 5.

Strike: "STATUTORILY"

2. Title, lines 8 and 9.

Strike: "AMENDING" on line 8 through "MCA;" on line 9

3. Page 1, line 12 through page 3, line 7.

Strike: line 12 on page 1 through line 7 on page 3 in their entirety

Renumber: subsequent sections

4. Page 3, line 11.

Strike: "\$25 a month"

Insert: "\$120 a year, prorated at \$10 a month for the number of months under supervision"

5. Page 4, line 3.

Strike: "Statutory appropriation"

Insert: "Appropriation"

6. Page 4, line 5.

Following: "[section 2]"

Insert: ", to a maximum of \$444,000 for each year of the 1994-95 biennium,"

Strike: "statutorily"

Strike: ", as" on line 5 through "17-7-502," on line 6

7. Page 4, lines 10 and 13.

Strike: "2 and 3"

Insert: "1 and 2"

-END-

AW Amd. Coord.
Sec. of Senate

Lynch
Senator Carrying Bill

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